

Attorney's Docket No. 035718/268745

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CENTRAL FAX CENTERIn re: Mahajan *et al.*

Confirmation No.: 7241

Appl. No.: 10/650,425

Group Art Unit: 1636

Filed: 8/28/03

Examiner: J. Keller

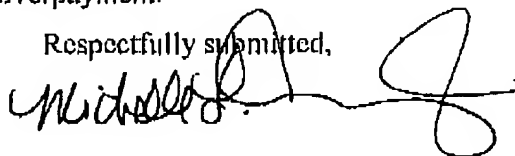
For: POLY ADP-RIBOSE POLYMERASE GENE AND ITS USES

FEB 27 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. § 1.321(c)

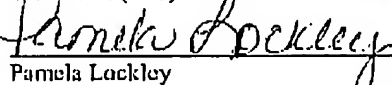
Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. The Examiner is authorized to charge Deposit Account No. 16-0605, \$130.00 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer and for any additional fee that may be required or credit any overpayment.

Respectfully submitted,

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## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

  
Pamela Lockley

February 27, 2006

Date

RTA01/2199460v1

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In re:	Mahajan <i>et al.</i>	Confirmation No.:	7241
Appl. No.:	10/650,425	Group Art Unit:	1636
Filed:	8/28/03	Examiner:	J. Ketter
For:	POLY ADP-RIBOSE POLYMERASE GENE AND ITS USES		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The disclaimant, Pioneer Hi-Bred International, Inc., having a principal place of business at 7100 N.W. 62nd Avenue, P.O. Box 1014, Johnston, IA 50131-1014, verifies through its duly authorized representative that it is the owner of all right, title, and interest in the above-identified application, by Assignment filed May 24, 1999, and recorded at Reel 009977, Frame 0936.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,717,033, issued April 6, 2004, entitled Poly ADP-Ribose Polymerase Gene And Its Uses, which patent was assigned to the above-identified disclaimant by an Assignment filed May 24, 1999, and recorded at Reel 009977, Frame 0936.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,717,033, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

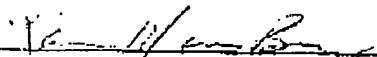
Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,717,033 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

In re: Mahajan *et al.*  
Appl. No.: 10/650,425  
Filing Date: 8/28/03  
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I, Karen Moon Bruce, represent that I am the Assistant Secretary of Pioneer Hi-Bred International, Inc. and am authorized to execute this disclaimer on behalf of Pioneer Hi-Bred International, Inc.. I further declare that the evidentiary documents of ownership have been reviewed, and I certify that to the best of disclaimant's knowledge and belief, title is in the disclaimant seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PIONEER Hi-Bred International, Inc.

  
By: Karen Moon Bruce  
Its: Assistant Secretary  
Date: Feb. 23, 2006

RTA01/2100312v1